

ORDINANCE
OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK, MARYLAND,
AMENDING CITY CODE, CHAPTER 15 “BOARDS, COMMISSIONS AND
COMMITTEES” TO ADD ARTICLE IX TO CREATE A RENT STABILIZATION
BOARD,
AND ENACTING CITY CODE, CHAPTER 127 “RENT STABILIZATION”
TO ESTABLISH A RENT STABILIZATION PROGRAM IN THE CITY OF COLLEGE
PARK, AND AMENDING CITY CODE, CHAPTER 110 “FEES AND PENALTIES” TO
ESTABLISH THE FEES AND PENALTIES ASSOCIATED WITH THE RENT
STABILIZATION PROGRAM.

WHEREAS, pursuant to Md. Code Ann., Art. 23A, §2, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality; and

WHEREAS, on June 10, 2003, the Mayor and Council of the City of College Park approved the City of College Park Housing Plan (the “Housing Plan”); and

WHEREAS, according to the Housing Plan, the City of College Park had a total of 6,245 housing units in 2000 (not including 8,420 beds in University of Maryland dormitories, another 1,740 beds in public/private partnership housing on University of Maryland owned land, and 1,386 beds in fraternity and sorority houses); and

WHEREAS, 4,204 of those units, or 67.3%, are single-family detached homes, while 152 units or 2.4% are single family attached houses (townhouses), 268 units, or 4.2%, are located within structures containing 2-4 units, and 1,613 units, or 25.8%, are within structures containing 5 units or more; and

WHEREAS, the 2000 United States Census reported an owner occupancy rate of 57.2% for College Park, a decline of 9.8% from 1980; and

<u>CAPS</u>	: Indicate matter added to existing law.
<u>Asterisks ***</u>	: Indicate matter remaining unchanged in existing law but not set Forth in Ordinance.
<u>UNDERLINED CAPS</u>	: Indicates matter added to Ordinance by amendment.
<u>[Brackets]</u>	: Indicate matter deleted from Ordinance by amendment.

WHEREAS, in 2000, renters occupied 2,582 units or 42.8%, of the City's conventional housing units; and

WHEREAS, in 2000, the City's median monthly rent was \$806 compared to Prince George's County's rate of \$737; and

WHEREAS, in 1999, 40.6% of the renters in the City of College Park paid more than 35% of their household income for rent. This percentage is 17.7% more than surrounding municipalities; and

WHEREAS, ~~[the aforementioned statistics]~~ STUDIES INDICATE THAT THE PERCENTAGE OF RENTER OCCUPIED HOUSING UNITS have increased since the Housing Plan was prepared AND THAT THERE HAS BEEN A CORRESPONDING DECREASE IN THE PERCENTAGE OF OWNER-OCCUPIED HOUSING; and

WHEREAS, with higher rents being charged in the City of College Park than in Prince George's County for comparable housing units, renters in the City are faced with spending an ever-increasing percentage of their household income for rent; and

WHEREAS, the Mayor and City Council finds that the cost of rental housing in the City is abnormally high; and

WHEREAS, the Mayor and City Council further finds that there is a substantial and ever increasing shortage of decent rental housing accommodations, especially for families, households of low and moderate income and those on fixed incomes, in the City; and

WHEREAS, with such a large percent of rental properties in the City, the City loses income taxes and motor vehicle taxes not paid by a large portion of the renters; accordingly, the owner occupied properties subsidize rental properties; and

WHEREAS, rental properties artificially inflate the value of property in the City, thereby adversely affecting the owner occupied properties and leading to unstable neighborhoods; and

WHEREAS, the current rental market in the City poses a threat to the public health, safety and welfare of the citizens of the City of College Park; and

WHEREAS, the Mayor and City Council deem the protection of the City's stock of owner occupied housing to be a legitimate public purpose; and

WHEREAS, the Mayor and City Council deem it to be in the best interest of the City to adopt a rent stabilization program in order to ensure the availability and maintenance of affordable housing in the City, to protect the standard of living of all City residents, and finally to strengthen and stabilize the City's neighborhoods.

Section 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 15 "Boards, Commissions and Committees", Article IX "Rent Stabilization Board" be, and is hereby, enacted to read as follows:

CHAPTER 15

BOARDS, COMMISSIONS AND COMMITTEES

ARTICLE IX RENT STABILIZATION BOARD

- § 15-39. ESTABLISHMENT.**
- § 15-40. COMPOSITION.**
- § 15-41. TERMS OF OFFICE.**
- § 15-42. COMPENSATION.**
- § 15-43. CONFLICT OF INTEREST.**
- § 15-44. MEETINGS.**
- § 15-45. OFFICERS.**
- § 15-46. CONSULTANTS.**
- § 15-47. BYLAWS.**
- § 15-48. POWERS AND DUTIES.**

- § 15-49. RULES AND REGULATIONS.**
- § 15-50. QUORUM.**
- § 15-51. VOTING.**
- § 15-52. EXPENSES.**
- § 15-53. STAFF.**
- § 15-54. REGISTRATION.**

§ 15-39. ESTABLISHMENT.

THERE IS HEREBY CREATED A CITY RENT STABILIZATION BOARD.

§ 15-40. COMPOSITION.

THE RENT STABILIZATION BOARD SHALL BE COMPOSED OF SEVEN (7) MEMBERS, ALL OF WHOM SHALL HOLD NO OTHER OFFICE OR POSITION IN THE CITY GOVERNMENT WITH PAY OR COMPENSATION. THE MEMBERS SHALL BE APPOINTED BY THE MAYOR AND CITY COUNCIL. THE MAYOR AND CITY COUNCIL SHALL SEEK TO GIVE PRIORITY TO THE APPOINTMENT OF RESIDENTS OF THE CITY AND TO OWNERS OF REAL PROPERTY LOCATED WITHIN THE CITY. THE MAYOR AND CITY COUNCIL SHALL ASSURE THAT THERE IS REPRESENTATION FROM EACH OF THE CITY'S FOUR COUNCIL DISTRICTS ON THE BOARD. VACANCIES SHALL BE FILLED BY THE MAYOR AND CITY COUNCIL FOR ANY UNEXPIRED PORTION OF A TERM. MEMBERS SHALL HAVE AN INTEREST IN HOUSING ISSUES AND SOME KNOWLEDGE OF LANDLORD-TENANT LAWS OF THE STATE OF MARYLAND. AT LEAST TWO

MEMBERS OF THE BOARD SHOULD BE TENANTS AND TWO MEMBERS OF THE BOARD SHOULD BE LANDLORDS.

§ 15-41. TERMS OF OFFICE.

APPOINTMENT TO THE RENT STABILIZATION BOARD SHALL BE FOR THREE-YEAR TERMS. HOWEVER, INITIALLY, THREE OF THE MEMBERS SHALL BE GIVEN TWO-YEAR TERMS, AND THE OTHER FOUR SHALL BE GIVEN THREE-YEAR TERMS, TO ALLOW FOR STAGGERED TERMS AMONG THE MEMBERSHIP.

§ 15-42. COMPENSATION.

MEMBERS SHALL RECEIVE COMPENSATION IN AN AMOUNT SET BY THE MAYOR AND CITY COUNCIL IN THE CITY BUDGET.

§ 15-43. CONFLICT OF INTEREST.

MEMBERS OF THE BOARD SHALL DISCLOSE TO THE BOARD ANY CONFLICT OF INTEREST, AS THAT TERM IS UNDERSTOOD IN THE MARYLAND COMMON LAW, §15-801 ET. SEQ. OF THE STATE GOVERNMENT ARTICLE OF THE MARYLAND CODE, AS AMENDED, AND THE COLLEGE PARK ETHICS CODE, AND SHALL REFRAIN FROM VOTING OR TAKING ACTION ON ANY SUCH MATTER. MEMBERS SHALL NOT BE DISQUALIFIED FROM EXERCISING ANY OF THEIR POWERS AND DUTIES ON THE GROUNDS OF A CONFLICT OF

INTEREST SOLELY ON THE BASIS OF THEIR STATUS AS A LANDLORD OR TENANT. HOWEVER, A MEMBER SHALL BE DISQUALIFIED FROM RULING ON A PETITION FOR AN INDIVIDUAL ADJUSTMENT OF A RENT CEILING UNDER THIS CHAPTER, WHERE THE MEMBER IS EITHER THE LANDLORD OF THE PROPERTY OR A TENANT RESIDING IN THE PROPERTY THAT IS INVOLVED IN THE PETITION. CLARIFICATION AND RECOMMENDATIONS CONCERNING SITUATIONS CAN BE REQUESTED OF THE CITY ETHICS COMMISSION.

§ 15-44. MEETINGS.

THE RENT STABILIZATION BOARD SHALL MEET NOT LESS THAN MONTHLY, UNLESS OTHERWISE DETERMINED BY THE BOARD, AT A TIME, DATE AND PUBLIC PLACE SET BY IT. A SPECIAL MEETING OF THE BOARD MAY BE CALLED AT THE REQUEST OF THE CHAIRPERSON OR THE WRITTEN REQUEST OF A MAJORITY OF THE MEMBERS. THE REQUEST FOR A SPECIAL MEETING SHALL STATE THE PURPOSE OF THE MEETING AND THE MATTERS PROPOSED FOR ACTION. MINUTES OF THE MEETINGS SHALL BE KEPT AND PROMPTLY MADE AVAILABLE TO THE MAYOR AND CITY COUNCIL.

§ 15-45. OFFICERS.

THE BOARD, BY A MAJORITY VOTE THEREOF, SHALL ELECT ANNUALLY A CHAIRPERSON AND VICE-CHAIRPERSON FROM ITS MEMBERSHIP. THE CHAIRPERSON SHALL PRESIDE AT ALL MEETINGS OF

THE BOARD. IN THE CHAIRPERSON'S ABSENCE, THE VICE-CHAIRPERSON SHALL PRESIDE AT MEETINGS OF THE BOARD. THE CHAIRPERSON AND THE VICE-CHAIRPERSON MAY PERFORM SUCH OTHER DUTIES AS THE BOARD MAY AGREE UPON.

§ 15-46. CONSULTANTS.

THE BOARD MAY RECOMMEND TO THE MAYOR AND CITY COUNCIL THE HIRING OF SUCH TECHNICAL CONSULTANTS, AS MAY BE NECESSARY FROM TIME TO TIME TO CARRY OUT ITS DUTIES. SUCH RECOMMENDATIONS SHALL FOLLOW NORMAL CITY PROCEDURES FOR THE HIRING OF CONSULTANTS.

§ 15-47. BYLAWS.

THE BOARD SHALL PROMPTLY ADOPT WRITTEN BYLAWS, SUBJECT TO THE APPROVAL OF THE MAYOR AND CITY COUNCIL.

§ 15-48. POWERS AND DUTIES.

THE DUTIES OF THE RENT STABILIZATION BOARD ARE AS FOLLOWS:

A. TO CARRY OUT THE PROVISIONS OF THIS CHAPTER AND TO PROMULGATE SUCH POLICIES, RULES, AND REGULATIONS AS WILL FUTHER THE PURPOSES AND PROVISIONS OF THIS CHAPTER. THE BOARD SHALL PUBLICIZE ITS RULES AND REGULATIONS PRIOR TO

PROMULGATION IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF COLLEGE PARK. ALL SUCH POLICIES, RULES AND REGULATIONS SHALL BE FORWARDED TO THE MAYOR AND CITY COUNCIL FOR ITS APPROVAL PRIOR TO BECOMING EFFECTIVE.

B. TO RECOMMEND TO THE CITY FOR ADOPTION, SUCH ORDINANCES AS MAY BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS CHAPTER.

C. TO MAKE SUCH STUDIES, SURVEYS AND INVESTIGATIONS, AND TO CONDUCT SUCH HEARINGS AND OBTAIN SUCH INFORMATION AS IT DEEMS NECESSARY IN ADMINISTERING AND ENFORCING THIS CHAPTER, AND THE REGULATIONS AND ORDERS PROMULGATED HEREUNDER.

D. TO CONDUCT PUBLIC HEARINGS, ADMINISTER OATHS AND AFFIRMATIONS, AND TO REQUEST PERSONS TO ATTEND AND TESTIFY AS A WITNESS BEFORE THE BOARD AND TO PRODUCE ANY AND ALL NECESSARY RELEVANT DOCUMENTS. ANY PERSON WHO RENTS OR OFFERS FOR RENT OR ACTS AS BROKER OR AGENT FOR THE RENTAL OF ANY RENTAL UNIT MAY BE REQUIRED TO FURNISH UNDER OATH ANY INFORMATION REQUIRED BY THE BOARD AND TO PRODUCE RECORDS AND OTHER DOCUMENTS AND REPORTS.

E. TO PROVIDE ANALYSIS AND INPUT RELATIVE TO ANY

ISSUE REFERRED TO IT BY THE MAYOR AND CITY COUNCIL.

F. TO DETERMINE AND SET RENT LEVELS, WHETHER THROUGH GENERAL OR INDIVIDUAL ADJUSTMENTS, OF ANY UNIT SUBJECT TO THIS CHAPTER.

G. REQUIRE REGISTRATION OF ALL RENTAL UNITS SUBJECT TO THIS CHAPTER.

H. MAKE ADJUSTMENTS IN THE RENT CEILING IN ACCORDANCE WITH CHAPTER 127.

I. SET RENTS AT FAIR AND EQUITABLE LEVELS IN VIEW OF AND IN ORDER TO ACHIEVE THE PURPOSES OF CHAPTER 127.

J. REPORT ANNUALLY TO THE MAYOR AND CITY COUNCIL ON THE STATUS OF RENTAL HOUSING UNITS COVERED BY CHAPTER 127.

K. REQUEST THE CITY COUNCIL TO REMOVE RENT CONTROLS.

L. OTHER POWERS CONFERRED ON THE BOARD BY THE MAYOR AND CITY COUNCIL THAT ARE NECESSARY TO CARRY OUT THE PURPOSES OF CITY CODE, CHAPTER 127 WHICH ARE NOT INCONSISTENT WITH THE TERMS OF THIS CHAPTER.

§ 15-49. RULES AND REGULATIONS.

ALL RULES AND REGULATIONS, DECISIONS, ORDERS, AND POLICIES OF THE BOARD SHALL BE KEPT IN THE CITY CLERK'S OFFICE AND SHALL BE

AVAILABLE TO THE PUBLIC FOR INSPECTION AND COPYING. THE BOARD SHALL ALSO MAINTAIN AND KEEP IN THE CITY CLERK'S OFFICE ALL HEARING DOCKETS, WHICH SHALL BE AVAILABLE FOR PUBLIC INSPECTION.

§ 15-50. QUORUM.

FIVE COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE BOARD.

§ 15-51. VOTING.

THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE BOARD IS REQUIRED FOR A DECISION, INCLUDING ALL MOTIONS, RULES, REGULATIONS, AND ORDERS OF THE BOARD.

§ 15-52. EXPENSES.

THE REASONABLE AND NECESSARY EXPENSES OF THE PROGRAM SHALL BE FINANCED VIA AN ANNUAL REGISTRATION FEE THAT SHALL BE CHARGED TO LANDLORDS IN AN AMOUNT ESTABLISHED BY THE MAYOR AND CITY COUNCIL. SUCH REGISTRATION FEES SHALL NOT BE PASSED ON TO TENANTS IN THE FORM OF RENT INCREASES.

§ 15-53. STAFF.

THE CITY'S DEPARTMENT OF PUBLIC SERVICES SHALL ASSIST THE

BOARD AS NECESSARY, BE RESPONSIBLE FOR MAKING ARRANGEMENTS FOR AND PROVIDING NOTIFICATION OF ANY MEETINGS OR PUBLIC HEARINGS, PRESENTING RELEVANT REPORTS OR INFORMATION, PROVIDING APPROPRIATE RESOURCE MATERIALS, KEEPING THE MINUTES OF THE BOARD, AND SHALL HAVE CUSTODY AND CONTROL OVER ALL OF THE DOCUMENTS GENERATED BY THE BOARD.

§ 15-54. REGISTRATION.

THE BOARD SHALL REQUIRE THE REGISTRATION OF ALL RENTAL UNITS COVERED BY THIS CHAPTER AS PROVIDED FOR IN §127-5. THE BOARD MAY ALSO REQUIRE LANDLORDS TO PROVIDE CURRENT INFORMATION SUPPLEMENTING THEIR REGISTRATION STATEMENTS.

Section 2. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED,
by the Mayor and Council of the City of College Park, Maryland that Chapter 127 “Rent Stabilization” be, and is hereby, enacted to read as follows:

CHATER 127

RENT STABILIZATION

- § 127-1. PURPOSE.**
- § 127-2. APPLICABILITY.**
- § 127-3. DEFINITIONS.**
- § 127-4. ESTABLISHMENT OF RENT CEILING.**
- § 127-5. REGISTRATION.**
- § 127-6. RENT STABILIZATION ALLOWANCE.**
- § 127-7. INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS.**

- § 127-8. MUNICIPAL INFRACTION.**
- § 127-9. HARDSHIP EXEMPTION.**
- § 127-10. PARTIAL INVALIDITY.**
- § 127-11. NONWAIVERABILITY.**
- § 127-12. JUDICIAL REVIEW.**
- § 127-13. EXPIRATION DATE.**

§ 127-1. PURPOSE.

A. CITY OF COLLEGE PARK RESIDENTS SHOULD HAVE DECENT HOUSING IN PLEASANT NEIGHBORHOODS AT PRICES THEY CAN AFFORD. THE CITY OF COLLEGE PARK HOUSING PLAN, APPROVED JUNE 10, 2003, ESTABLISHES THE FOLLOWING POLICIES, AMONG OTHERS:

- 1. TO ENCOURAGE THE UNIVERSITY OF MARYLAND AND THE PRIVATE SECTOR TO PROVIDE SUITABLE HOUSING TO MEET THE NEEDS OF UNDERGRADUATE AND GRADUATE STUDENTS ON OR NEAR CAMPUS.**
- 2. TO ENCOURAGE THE AVAILABILITY OF HOUSING FOR HOUSEHOLDS OF ALL INCOME LEVELS, AND TO PRESERVE, MAINTAIN AND IMPROVE EXISTING HOUSING.**
- 3. TO STRENGTHEN COLLEGE PARK NEIGHBORHOODS BY REDUCING THE NUMBER OF SINGLE-FAMILY HOMES THAT ARE RENTAL PROPERTIES.**
- 4. TO ENCOURAGE PRIVATE REINVESTMENT BY HOMEOWNERS CONSISTENT WITH A NEIGHBORHOOD'S CHARACTER.**

B. THE COLLEGE PARK CITY COUNCIL FINDS THAT THERE IS A PATTERN OF STEADILY RISING RENTS, AND A SHORTAGE OF AFFORDABLE WELL-MAINTAINED HOUSING, AND THAT THE RATE OF DETERIORATION OF THE EXISTING HOUSING STOCK IN THE CITY HAS INCREASED IN RECENT YEARS. THE COLLEGE PARK CITY COUNCIL FURTHER FINDS THAT THIS SITUATION POSES A THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF COLLEGE PARK.

C. THE PURPOSES OF THIS CHAPTER ARE TO REGULATE RESIDENTIAL RENT INCREASES IN THE CITY OF COLLEGE PARK AND TO PROTECT TENANTS FROM UNWARRANTED RENT INCREASES, IN ORDER TO HELP MAINTAIN THE DIVERSITY OF THE COMMUNITY. THIS CHAPTER IS DESIGNED TO PRESERVE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE AND TO ADVANCE THE HOUSING POLICIES OF THE CITY.

§ 127-2. APPLICABILITY.

THIS CHAPTER SHALL APPLY TO ALL REAL PROPERTY THAT IS BEING RENTED OR IS AVAILABLE FOR RENT FOR RESIDENTIAL USE, IN WHOLE OR IN PART, EXCEPT FOR THE FOLLOWING:

A. PROPERTY OWNED BY THE STATE OF MARYLAND OR THE FEDERAL GOVERNMENT.

B. RENTAL UNITS THAT ARE RENTED PRIMARILY TO TRANSIENT GUESTS FOR USE OR OCCUPANCY FOR FEWER THAN FOURTEEN

CONSECUTIVE DAYS IN ESTABLISHMENTS SUCH AS HOTELS, MOTELS, INNS, TOURIST HOMES, AND ROOMING AND BOARDING HOUSES; HOWEVER, THE PAYMENT OF RENT EVERY FOURTEEN DAYS OR FEWER SHALL NOT BY ITSELF EXEMPT ANY UNIT FROM COVERAGE BY THIS CHAPTER.

C. RENTAL UNITS IN ANY COLLEGE OR SCHOOL DORMITORY OPERATED EXCLUSIVELY FOR EDUCATIONAL PURPOSES.

D. NURSING HOME OR CHARITABLE HOME FOR THE AGED, NOT ORGANIZED OR OPERATED FOR PROFIT.

E. APARTMENT BUILDINGS AS DEFINED IN § 127.3.

§ 127-3. DEFINITIONS.

A. “APARTMENT BUILDING” MEANS A BUILDING CONTAINING 3 OR MORE DWELLING UNITS EACH OF WHICH CONTAIN ONE OR MORE ROOMS SUITABLE FOR OCCUPANCY AS A RESIDENCE AND THAT CONTAIN A KITCHEN AND BATHROOM FACILITIES. IT DOES NOT INCLUDE A TRIPLEX, QUADRAPLEX OR FRATERNITY OR SORORITY HOUSE.

B. “ASSESSED VALUE” MEANS THE PHASED-IN FULL CASH VALUE ESTABLISHED BY THE MARYLAND STATE DEPARTMENT OF ASSESSMENTS AND TAXATION PURSUANT TO THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY ARTICLE, AS ADJUSTED EVERY THREE YEARS.

C. “BASE RENT CEILING” MEANS THE MAXIMUM ALLOWABLE RENT ESTABLISHED UNDER §127-5 OF THIS CHAPTER.

D. “BOARD” REFERS TO THE RENT STABILIZATION BOARD ESTABLISHED BY THIS CHAPTER.

E. “DWELLING UNIT” MEANS ANY ROOM OR GROUP OF ROOMS LOCATED WITHIN A STRUCTURE AND FORMING A SINGLE HABITABLE UNIT, WITH FACILITIES WHICH ARE USED OR INTENDED TO BE USED FOR LIVING, SLEEPING, COOKING AND EATING PURPOSES.

“DUPLEX” MEANS A SINGLE STRUCTURE CONTAINING TWO SINGLE-FAMILY DWELLING UNITS SEPARATED BY A VERTICAL OR HORIZONTAL PARTY WALL WITH EACH UNIT HAVING ITS OWN SEPARATE EXTERIOR ENTRANCE(S) AND DESIGNED FOR USE AS A PRINCIPAL DWELLING WITH ITS OWN PLUMBING, HEATING AND ELECTRICAL FACILITIES.

“TRIPLEX” MEANS A SINGLE STRUCTURE CONTAINING THREE SINGLE-FAMILY DWELLING UNITS SEPARATED BY VERTICAL OR HORIZONTAL PARTY WALLS WITH EACH UNIT HAVING ITS OWN SEPARATE EXTERIOR ENTRANCE(S) AND DESIGNED FOR USE AS A PRINCIPAL DWELLING WITH ITS OWN PLUMBING, HEATING AND ELECTRICAL FACILITIES.

F. “HOUSING SERVICES” INCLUDE, BUT ARE NOT LIMITED TO, REPAIRS; MAINTENANCE; PAINTING; PROVIDING LIGHT, HOT AND COLD WATER, ELEVATOR SERVICE, WINDOW SHADES AND SCREENS, AND STORAGE; PROVIDING KITCHEN, BATH AND LAUNDRY FACILITIES AND/OR

PRIVILEGES; JANITORIAL SERVICES; REFUSE REMOVAL; FURNISHINGS; TELEPHONE; PARKING FACILITIES AND ANY OTHER BENEFIT, PRIVILEGE OR FACILITY CONNECTED WITH THE USE OR OCCUPANCY OF ANY RENTAL UNIT. SERVICES TO A RENTAL UNIT SHALL INCLUDE A PROPORTIONATE PART OF SERVICES PROVIDED TO COMMON FACILITIES OF THE BUILDING IN WHICH THE RENTAL UNIT IS CONTAINED.

G. “LANDLORD” MEANS AN OWNER OF RECORD, LESSOR, SUBLESSOR OR ANY OTHER PERSON OR ENTITY ENTITLED TO RECEIVE RENT FOR THE USE OR OCCUPANCY OF ANY RENTAL UNIT, OR AN AGENT, REPRESENTATIVE OR SUCCESSOR OF ANY OF THE FOREGOING.

H. “PROPERTY” MEANS A PARCEL OF REAL PROPERTY WHICH IS ASSESSED AND TAXED AS AN UNDIVIDED WHOLE.

I. “RENT” MEANS THE CONSIDERATION, INCLUDING ANY DEPOSIT, BONUS, BENEFIT, SERVICE RENDERED, OR GRATUITY DEMANDED OR RECEIVED IN CONNECTION WITH THE USE OR OCCUPANCY OF RENTAL UNITS AND THE PROVISION OF HOUSING SERVICES. SUCH CONSIDERATION SHALL INCLUDE, BUT IS NOT LIMITED TO, MONIES AND FAIR MARKET VALUE OF GOODS OR SERVICES RENDERED TO, OR FOR THE BENEFIT OF, THE LANDLORD UNDER A RENTAL AGREEMENT.

J. “RENTAL AGREEMENT” MEANS AN AGREEMENT, ORAL, WRITTEN OR IMPLIED, BETWEEN A LANDLORD AND A TENANT FOR USE OR OCCUPANCY OF A RENTAL UNIT AND FOR HOUSING SERVICES.

K. “RENTAL UNIT” MEANS ANY BUILDING, STRUCTURE, OR PART THEREOF, OR LAND APPURTENANT THERETO, OR ANY OTHER REAL OR PERSONAL PROPERTY RENTED OR OFFERED FOR RENT FOR RESIDENTIAL USE OR OCCUPANCY, LOCATED IN THE CITY OF COLLEGE PARK, TOGETHER WITH ALL HOUSING SERVICES CONNECTED WITH USE OR OCCUPANCY OF SUCH PROPERTY SUCH AS COMMON AREAS AND RECREATIONAL FACILITIES HELD OUT FOR USE BY THE TENANT.

L. “RENT CEILING” MEANS THE MAXIMUM ALLOWABLE RENT WHICH A LANDLORD MAY CHARGE ON ANY RENTAL UNIT COVERED BY THIS CHAPTER.

M. “TENANT” MEANS ANY RENTER, TENANT, SUBTENANT, LESSEE, OR SUBLESSEE OF A RENTAL UNIT, OR SUCCESSOR TO A RENTER’S INTEREST, OR ANY GROUP OF TENANTS, SUBTENANTS, LESSEES, OR SUBLESSEE OF ANY RENTAL UNIT, OR ANY OTHER PERSON ENTITLED TO THE USE OR OCCUPANCY OF SUCH RENTAL UNIT.

§ 127-4. ESTABLISHMENT OF RENT CEILING.

A. NO LANDLORD SHALL CHARGE A MONTHLY RENT FOR ANY CONTROLLED RENTAL UNIT IN AN AMOUNT MORE THAN THE FAIR MARKET RENT LEVEL ESTABLISHED ANNUALLY BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE WASHINGTON METROPOLITAN STATISTICAL AREA FOR A FOUR BEDROOM UNIT OR 1% OF THE PROPERTY’S

ASSESSED VALUE FOR PROPERTY TAXES IN A GIVEN YEAR, WHICHEVER IS GREATER. EXCEPT THAT IN THE CASE OF DUPLEXES, TRIPLEXES AND QUADRAPLEXES, THE COMBINED MONTHLY RENT FOR ALL RENTAL UNITS LOCATED THEREIN SHALL NOT EXCEED 1.5% OF THE PROPERTY'S ASSESSED VALUE FOR PROPERTY TAXES IN A GIVEN YEAR, WHICHEVER IS GREATER, EXCEPT AS MAY BE PROVIDED IN § 127- 6 OR § 127-7. MAXIMUM RENTS OF ALL CONTROLLED RENTAL UNITS SHALL BE ADJUSTED FURTHER TO ESTABLISH BASE RENT LEVELS CONSISTENT WITH PRINCIPLES OF FAIR RENTS BASED ON COSTS OF OPERATING EACH CONTROLLED RENTAL UNIT, WHILE ASSURING THE OWNER A FAIR NET OPERATING INCOME.

B. BEGINNING IN JANUARY 2007, AND EVERY THREE YEARS THEREAFTER, THE CITY COUNCIL MAY RECONSIDER THE CRITERIA FOR THE ESTABLISHMENT OF RENT CEILINGS, BASED, AMONG OTHER FACTORS, ON THE TRIENNIAL REASSESSMENTS OF PROPERTIES IN THE CITY.

§ 127-5. REGISTRATION.

A. THE BOARD SHALL REQUIRE ALL LANDLORDS SUBJECT TO THE PROVISIONS OF THIS CHAPTER TO FILE WITH THE BOARD BY SEPTEMBER 1, 2005, A RENT REGISTRATION STATEMENT FOR EACH RENTAL UNIT COVERED BY THIS CHAPTER.

B. LANDLORDS SHALL PROVIDE IN THEIR INITIAL RENT REGISTRATION STATEMENT THE FOLLOWING INFORMATION:

- 1. THE ADDRESS OF EACH RENTAL UNIT;**
- 2. THE NAME AND ADDRESS OF THE LANDLORD(S) AND THE MANAGING AGENT, IF ANY;**
- 3. THE DATE ON WHICH THE LANDLORD RECEIVED LEGAL TITLE TO OR EQUITABLE INTEREST IN THE RENTAL UNIT;**
- 4. THE HOUSING SERVICES PROVIDED FOR THE RENTAL UNIT;**
- 5. THE RENT IN EFFECT AT THE TIME OF THE ADOPTION OF THIS CHAPTER;**
- 6. THE MAXIMUM RENT ALLOWED PURSUANT TO §127-4 ABOVE;**
- 7. THE AMOUNT OF ANY DEPOSITS OR OTHER MONIES IN ADDITION TO PERIODIC RENT DEMANDED OR RECEIVED BY THE LANDLORD IN CONNECTION WITH THE USE OR OCCUPANCY OF THE RENTAL UNIT;**
AND
- 8. WHETHER THE RENTAL UNIT IS VACANT OR OCCUPIED.**

C. ALL RENT REGISTRATION STATEMENTS PROVIDED BY LANDLORDS IN ACCORDANCE WITH THIS CHAPTER SHALL INCLUDE AN AFFIDAVIT SIGNED BY THE LANDLORD DECLARING UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IN THE RENT REGISTRATION STATEMENT IS TRUE AND CORRECT.

D. THE FIRST ANNUAL REGISTRATION FEE SHALL BE PAID BY THE LANDLORDS TO THE BOARD NO LATER THAN DECEMBER 1, 2005.

SUBSEQUENT ANNUAL REGISTRATION FEES SET IN ACCORDANCE WITH THIS

CHAPTER SHALL BE PAID NO LATER THAN JULY 1 OF EACH YEAR.

E. THE BOARD SHALL PROVIDE FORMS FOR THE REGISTRATION INFORMATION REQUIRED BY THIS SECTION AND SHALL MAKE OTHER REASONABLE EFFORTS TO FACILITATE THE FULFILLMENT OF THE REQUIREMENTS SET FORTH IN THIS SECTION.

F. EVERY ANNUAL REGISTRATION FEE REQUIRED BY THIS CHAPTER WHICH IS NOT PAID ON OR BEFORE JULY 1 IS DECLARED DELINQUENT. ANY ANNUAL REGISTRATION FEE REQUIRED BY THIS CHAPTER WHICH IS NOT PAID BY JULY 1 SHALL BE INCREASED BY ONE HUNDRED PERCENT OF THE FEE SO DELINQUENT. EVERY SIX MONTHS THAT THE FEE REMAINS DELINQUENT, THE FEE SHALL BE INCREASED BY ONE HUNDRED PERCENT OF THE ORIGINAL FEE. THE BOARD MAY WAIVE THE INCREASE IN THE FEE IF PAYMENT IS MADE WITHIN THIRTY DAYS OF THE ORIGINAL DUE DATE.

A LANDLORD MAY REQUEST THE BOARD TO WAIVE ALL OR PART OF THE PENALTY IF HE/SHE CAN SHOW GOOD CAUSE FOR THE DELINQUENT PAYMENT.

G. WITHIN THIRTY DAYS AFTER THE FILING OF A RENT REGISTRATION STATEMENT, THE BOARD SHALL PROVIDE A TRUE AND CORRECT COPY OF SAID STATEMENT TO THE OCCUPANT OF THE RESPECTIVE UNIT.

H. A LANDLORD SHALL REGISTER A DWELLING UNIT WITHIN SIXTY

DAYS OF THE DATE ON WHICH IT BECOMES CONVERTED BY THIS CHAPTER. THE REGISTRATION FEE FOR FIRST-TIME REGISTRATION SHALL BE PRO-RATED BASED UPON THE NUMBER OF MONTHS REMAINING TO THE NEXT JULY 1 ANNUAL REGISTRATION DEADLINE. THIS SUBSECTION SHALL ALSO APPLY TO NEW CONSTRUCTION MEETING THE DEFINITION OF RENTAL UNITS UNDER SECTION 127-2B, AND THE BASE RENT CEILING SHALL BE INITIALLY CALCULATED BASED UPON THE ASSESSED VALUE OF THE PROPERTY AFTER ISSUANCE OF USE AND OCCUPANCY PERMIT. THE BASE RENT CEILING FOR DWELLING UNITS CONVERTED AFTER THE EFFECTIVE DATE OF THIS CHAPTER SHALL BE BASED UPON THE ASSESSMENT FOR THE PROPERTY IN EFFECT AT THE TIME OF CONVERSION, SUBJECT TO ADJUSTMENT AS DEEMED APPROPRIATE BY THE BOARD.

I. NO LANDLORD SHALL BE DEEMED TO BE IN COMPLIANCE WITH THIS SECTION WITH RESPECT TO A GIVEN UNIT UNTIL THE LANDLORD HAS COMPLETED REGISTRATION FOR ALL COVERED UNITS IN THE SAME PROPERTY. REGISTRATION SHALL BE DEEMED COMPLETE WHEN ALL REQUIRED INFORMATION HAS BEEN PROVIDED AND ALL OUTSTANDING FEES HAVE BEEN PAID.

J. REGISTRATION FEES SHALL NOT BE PASSED ALONG TO THE TENANTS WITHOUT THE EXPRESS, PRIOR APPROVAL OF THE BOARD. UNDER NO CIRCUMSTANCES SHALL PENALTIES BE PASSED ALONG TO TENANTS.

§ 127-6. ~~[RENT STABILIZATION ALLOWANCE. ADJUSTMENTS TO BASE RENTS]~~ CALCULATION OF AN ANNUAL INCREASE IN THE REGUALTED RENT LEVEL.

AN ANNUAL RENT STABILIZATION ALLOWANCE SHALL BE ESTABLISHED, EFFECTIVE ON JULY 1 OF EACH YEAR. THIS RENT STABILIZATION ALLOWANCE SHALL EQUAL ONE HUNDRED PERCENT (100%) OF THE “U.S. DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS, CONSUMER PRICE INDEX, [AS SPECIFIED IN THE DEPARTMENT OF PUBLIC SERVICES’ REGULATIONS] ALL URBAN CONSUMERS, WASHINGTON, DC-MD-VA (CPI-U)”, APPLIED TO THE GREATER OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT’S FAIR MARKET RENT OR ONE PERCENT (1%) OF THE PROPERTY’S ASSESSED VALUE FOR PROPERTY TAXES. THE RENT STABILIZATION ALLOWANCE SHALL APPLY TO ALL RENTAL UNITS SUBJECT TO THIS CHAPTER.

§ 127-7. INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS.

A. PETITIONS. UPON RECEIPT OF A PETITION BY A LANDLORD AND/OR TENANT, THE RENT CEILING OF INDIVIDUAL CONTROLLED RENTAL UNITS MAY BE ADJUSTED UPWARD OR DOWNWARD IN ACCORDANCE WITH THE PROCEDURES SET FORTH ELSEWHERE IN THIS SECTION. THE PETITION SHALL BE ON THE FORM PROVIDED BY THE BOARD. THE BOARD MAY SET A REASONABLE PER UNIT FEE BASED UPON THE EXPENSES OF PROCESSING

THE PETITION TO BE PAID BY THE PETITIONER AT THE TIME OF FILING. NO PETITION SHALL BE FILED BEFORE JULY 1, 2006. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE BOARD MAY REFUSE TO HOLD A HEARING AND/OR GRANT AN INDIVIDUAL RENT CEILING ADJUSTMENT FOR A RENTAL UNIT IF AN INDIVIDUAL HEARING HAS BEEN HELD AND DECISION MADE WITH REGARD TO THE RENT CEILING FOR SUCH UNIT WITHIN THE PREVIOUS SIX MONTHS.

B. HEARING PROCEDURE. THE BOARD SHALL ENACT RULES AND REGULATIONS GOVERNING HEARINGS AND APPEALS OF INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS WHICH SHALL INCLUDE THE FOLLOWING:

1. HEARING. THE BOARD SHALL CONDUCT A HEARING REGARDING A PETITION FOR INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS AND SHALL HAVE THE POWER TO ADMINISTER OATHS AND AFFIRMATIONS.

2. NOTICE. THE BOARD SHALL NOTIFY THE LANDLORD IF THE PETITION WAS FILED BY THE TENANT, OR THE TENANT, IF THE PETITION WAS FILED BY THE LANDLORD, OF THE RECEIPT OF SUCH A PETITION AND A COPY THEREOF.

3. TIME OF HEARING. THE BOARD SHALL NOTIFY ALL PARTIES AS TO THE TIME, DATE AND PLACE OF THE HEARING.

4. RECORDS. THE BOARD MAY REQUIRE EITHER PARTY TO AN INDIVIDUAL RENT CEILING ADJUSTMENT HEARING TO PROVIDE IT

WITH ANY BOOKS, RECORDS AND PAPERS DEEMED PERTINENT IN ADDITION TO THAT INFORMATION CONTAINED IN REGISTRATION STATEMENTS. THE BOARD SHALL REQUEST THE CITY TO CONDUCT A CURRENT BUILDING INSPECTION IF THE BOARD FINDS GOOD CAUSE TO BELIEVE THE BOARD'S CURRENT INFORMATION DOES NOT REFLECT THE CURRENT CONDITION OF THE CONTROLLED RENTAL UNIT. THE TENANT MAY REQUEST THE BOARD TO ORDER SUCH AN INSPECTION PRIOR TO THE DATE OF THE HEARING. ALL DOCUMENTS REQUIRED UNDER THIS SECTION SHALL BE MADE AVAILABLE TO THE PARTIES INVOLVED PRIOR TO THE HEARING AT THE OFFICE OF THE BOARD. IN CASES WHERE INFORMATION FILED IN A PETITION FOR AN INDIVIDUAL RENT CEILING ADJUSTMENT OR IN ADDITIONAL SUBMISSIONS FILED AT THE REQUEST OF THE BOARD IS INADEQUATE OR FALSE, NO ACTION SHALL BE TAKEN ON SAID PETITION UNTIL THE DEFICIENCY IS REMEDIED.

5. OPEN HEARINGS. ALL INDIVIDUAL RENT CEILING ADJUSTMENT HEARINGS SHALL BE OPEN TO THE PUBLIC.

6. HEARING RECORD. THE BOARD SHALL MAKE AVAILABLE FOR INSPECTION AND COPYING BY ANY PERSON AN OFFICIAL RECORD WHICH SHALL CONSTITUTE THE EXCLUSIVE RECORD FOR DECISION ON THE ISSUES AT THE HEARING. THE RECORD OF THE HEARING, OR ANY PART OF ONE, SHALL BE OBTAINABLE FOR THE COST OF COPYING.

THE RECORD OF THE HEARING SHALL INCLUDE: ALL EXHIBITS, PAPERS AND DOCUMENTS REQUIRED TO BE FILED OR ACCEPTED INTO EVIDENCE DURING THE PROCEEDINGS; A LIST OF PARTICIPANTS PRESENT; A SUMMARY OF ALL TESTIMONY ACCEPTED IN THE PROCEEDINGS; A STATEMENT OF ALL MATERIALS OFFICIALLY NOTICED; ALL RECOMMENDED DECISIONS, ORDERS AND/OR RULINGS; ALL FINAL DECISIONS, ORDERS AND/OR RULINGS, AND THE REASONS FOR EACH FINAL DECISION, ORDER AND/OR RULING. ANY PARTY MAY HAVE THE PROCEEDING TAPE RECORDED OR OTHERWISE TRANSCRIBED AT HIS OR HER OWN EXPENSE.

7. QUANTUM OF PROOF AND NOTICE OF DECISION. NO INDIVIDUAL RENT CEILING ADJUSTMENT SHALL BE GRANTED UNLESS SUPPORTED BY THE PREPONDERANCE OF THE EVIDENCE SUBMITTED AT THE HEARING. ALL PARTIES TO A HEARING SHALL BE SENT A NOTICE OF THE DECISION AND A COPY OF THE FINDINGS OF FACT AND LAW UPON WHICH SAID DECISION IS BASED. AT THE SAME TIME, PARTIES TO THE PROCEEDINGS SHALL ALSO BE NOTIFIED OF THEIR RIGHT TO APPEAL AND/OR SEEK JUDICIAL REVIEW OF THE DECISION.

8. CONSOLIDATION. ALL LANDLORD PETITIONS PERTAINING TO TENANTS IN THE SAME BUILDING SHALL BE CONSOLIDATED FOR HEARING, AND ALL PETITIONS FILED BY TENANTS OCCUPYING THE SAME BUILDING SHALL BE CONSOLIDATED FOR HEARING UNLESS

THERE IS A SHOWING OF GOOD CAUSE NOT TO CONSOLIDATE SUCH PETITIONS.

9. APPEAL. ANY PERSON AGGRIEVED BY THE DECISION OF THE BOARD MAY APPEAL THE DECISION TO THE MAYOR AND CITY COUNCIL. AN APPEAL TO THE MAYOR AND CITY COUNCIL SHALL BE FILED NO LATER THAN THIRTY DAYS FROM THE NOTICE OF THE DECISION OF THE BOARD.

ALL SUCH APPEALS TO THE MAYOR AND CITY COUNCIL SHALL BE ON THE RECORD MADE BEFORE THE BOARD. ON APPEAL, THE MAYOR AND CITY COUNCIL SHALL AFFIRM, REVERSE, REMAND, OR MODIFY THE DECISION OF THE BOARD.

THE MAYOR AND CITY COUNCIL MAY SET A REASONABLE APPEAL FEE TO BE PAID BY THE APPELLANT AT THE TIME OF FILING THE APPEAL.

10. FINALITY OF DECISION. THE DECISION OF THE BOARD SHALL BE THE FINAL DECISION OF THE BOARD IN THE EVENT OF NO APPEAL TO THE MAYOR AND CITY COUNCIL. THE DECISION OF THE BOARD SHALL NOT BE STAYED PENDING APPEAL; HOWEVER, IN THE EVENT THAT THE MAYOR AND CITY COUNCIL REVERSES OR MODIFIES THE DECISION OF THE BOARD, THE MAYOR AND CITY COUNCIL SHALL ORDER THE APPROPRIATE PARTY TO MAKE RETROACTIVE PAYMENTS TO RESTORE THE PARTIES TO THE POSITION THEY WOULD HAVE

OCCUPIED HAD THE BOARD'S DECISION BEEN THE SAME AS THAT OF THE MAYOR AND CITY COUNCIL.

11. TIME FOR DECISION. THE RULES AND REGULATIONS ADOPTED BY THE BOARD SHALL PROVIDE FOR FINAL BOARD ACTION ON ANY INDIVIDUAL RENT ADJUSTMENT PETITION WITHIN ONE HUNDRED AND TWENTY DAYS FOLLOWING THE DATE OF FILING OF THE INDIVIDUAL RENT CEILING ADJUSTMENT PETITION, UNLESS THE CONDUCT OF THE PETITIONER OR OTHER GOOD CAUSE IS RESPONSIBLE FOR THE DELAY.

C. IN MAKING INDIVIDUAL ADJUSTMENTS OF THE RENT CEILING, THE BOARD SHALL CONSIDER THE PURPOSES OF THIS CHAPTER AND SHALL SPECIFICALLY CONSIDER ALL RELEVANT FACTORS, INCLUDING (BUT NOT LIMITED TO):

- 1. INCREASES OR DECREASES IN PROPERTY TAXES;**
- 2. UNAVOIDABLE INCREASES OR ANY DECREASES IN MAINTENANCE AND OPERATING EXPENSES;**
- 3. THE COST OF PLANNED OR COMPLETED CAPITAL IMPROVEMENTS TO THE RENTAL UNIT (AS DISTINGUISHED FROM ORDINARY REPAIR, REPLACEMENT AND MAINTENANCE) WHERE SUCH CAPITAL IMPROVEMENTS ARE NECESSARY TO BRING THE PROPERTY INTO COMPLIANCE OR MAINTAIN COMPLIANCE WITH APPLICABLE LOCAL CODE REQUIREMENTS AFFECTING HEALTH AND SAFETY, AND**

**WHERE SUCH CAPITAL IMPROVEMENT COSTS ARE PROPERLY
AMORTIZED OVER THE LIFE OF THE IMPROVEMENT;**

**4. INCREASES OR DECREASES IN THE NUMBER OF TENANTS
OCCUPYING THE RENTAL UNIT, LIVING SPACE, FURNITURE,
FURNISHINGS, EQUIPMENT, OR OTHER HOUSING SERVICES PROVIDED,
OR OCCUPANCY RULES;**

**5. SUBSTANTIAL DETERIORATION OF THE CONTROLLED
RENTAL UNIT OTHER THAN AS A RESULT OF NORMAL WEAR AND
TEAR;**

**6. FAILURE ON THE PART OF THE LANDLORD TO PROVIDE
ADEQUATE HOUSING SERVICES, OR TO COMPLY SUBSTANTIALLY WITH
APPLICABLE STATE RENTAL HOUSING LAWS, LOCAL HOUSING,
HEALTH AND SAFETY CODES, OR THE RENTAL AGREEMENT;**

**7. THE PATTERN OF RECENT RENT INCREASES OR
DECREASES;**

**8. THE LANDLORD'S RATE OF RETURN ON INVESTMENT. IN
DETERMINING SUCH RETURN, ALL RELEVANT FACTORS, INCLUDING
BUT NOT LIMITED TO THE FOLLOWING SHALL BE CONSIDERED: THE
LANDLORD'S ACTUAL CASH DOWN PAYMENT, METHOD OF FINANCING
THE PROPERTY, AND ANY FEDERAL OR STATE TAX BENEFITS
ACCRUING TO LANDLORD AS A RESULT OF OWNERSHIP OF THE
PROPERTY;**

9. WHETHER OR NOT THE PROPERTY WAS ACQUIRED OR IS HELD AS A LONG-TERM OR SHORT-TERM INVESTMENT; AND

10. WHETHER OR NOT THE LANDLORD HAS RECEIVED RENT IN VIOLATION OF THE TERMS OF THIS CHAPTER OR HAS OTHERWISE FAILED TO COMPLY WITH THE CHAPTER.

IT IS THE INTENT OF THIS CHAPTER THAT INDIVIDUAL UPWARD ADJUSTMENTS IN THE RENT CEILINGS ON UNITS BE MADE ONLY WHEN THE LANDLORD DEMONSTRATES THAT SUCH ADJUSTMENTS ARE NECESSARY TO PROVIDE THE LANDLORD WITH A FAIR RETURN ON INVESTMENT.

D. NO INDIVIDUAL UPWARD ADJUSTMENT OF A RENT CEILING SHALL BE AUTHORIZED BY THE BOARD BY REASON OF INCREASED INTEREST OR OTHER EXPENSES RESULTING FROM THE LANDLORD'S REFINANCING THE RENTAL UNIT IF, AT THE TIME THE LANDLORD REFINANCED, THE LANDLORD COULD REASONABLY HAVE FORESEEN THAT SUCH INCREASED EXPENSES COULD NOT BE COVERED BY THE RENT SCHEDULE THEN IN EXISTENCE, EXCEPT WHERE SUCH REFINANCING IS NECESSARY FOR THE LANDLORD TO MAKE CAPITAL IMPROVEMENTS. THIS PARAGRAPH SHALL ONLY APPLY TO THAT PORTION OF THE INCREASED EXPENSES RESULTING FROM THE REFINANCING THAT WERE REASONABLY FORESEEABLE AT THE TIME OF THE REFINANCING OF THE RENTAL UNIT AND SHALL ONLY APPLY TO RENTAL UNITS REFINANCED AFTER THE DATE OF ADOPTION OF THIS

CHAPTER.

E. EXCEPT FOR CASES OF INDIVIDUAL HARDSHIP, NO INDIVIDUAL UPWARD ADJUSTMENT OF A RENT CEILING SHALL BE AUTHORIZED BY THE BOARD BECAUSE OF THE LANDLORD'S INCREASED INTEREST OR OTHER EXPENSES RESULTING FROM THE SALE OF THE PROPERTY, IF AT THE TIME THE LANDLORD ACQUIRED THE PROPERTY, THE LANDLORD COULD HAVE REASONABLY FORESEEN THAT SUCH INCREASED EXPENSES WOULD NOT BE COVERED BY THE RENT SCHEDULE THEN IN EFFECT. THIS SUBSECTION SHALL ONLY APPLY TO RENTAL UNITS ACQUIRED AFTER THE DATE OF ADOPTION OF THIS CHAPTER.

F. NO UPWARD ADJUSTMENT OF AN INDIVIDUAL RENT CEILING SHALL BE AUTHORIZED BY THE BOARD UNDER THIS SECTION IF THE LANDLORD:

1. HAS CONTINUED TO FAIL TO COMPLY, AFTER ORDER OF THE BOARD, WITH ANY PROVISIONS OF THIS CHAPTER AND/OR ORDERS OR REGULATIONS ISSUED THEREUNDER BY THE BOARD, OR

2. HAS FAILED TO BRING THE RENTAL UNIT INTO COMPLIANCE WITH THE IMPLIED WARRANTY OF HABITABILITY.

G. ALLOWABLE RENT INCREASES PURSUANT TO AN INDIVIDUAL UPWARD ADJUSTMENT OF THE RENT CEILING SHALL BECOME EFFECTIVE ONLY AFTER THE LANDLORD GIVES THE TENANT AT LEAST A THIRTY DAY WRITTEN NOTICE OF SUCH RENT INCREASE AND THE NOTICE PERIOD

EXPIRES.

H. IF THE BOARD MAKES A DOWNWARD INDIVIDUAL ADJUSTMENT OF THE RENT CEILING, SUCH RENT DECREASE SHALL TAKE EFFECT NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE SET BY THE BOARD FOR THE DOWNWARD ADJUSTMENT.

I. NO PROVISION OF THIS CHAPTER SHALL BE APPLIED SO AS TO PROHIBIT THE BOARD FROM GRANTING AN INDIVIDUAL RENT ADJUSTMENT THAT IS DEMONSTRATED NECESSARY BY THE LANDLORD TO PROVIDE THE LANDLORD WITH A FAIR RETURN ON INVESTMENT.

**§ 127-8. MUNICIPAL INFRACTION. NOTIFICATION OF VIOLATIONS;
HEARINGS**

A. NOTICE; FINE.

1. WHENEVER THE PUBLIC SERVICES DIRECTOR DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, HE/SHE SHALL GIVE NOTICE OF SUCH ALLEGED VIOLATION TO THE PERSON OR PERSONS RESPONSIBLE THEREFOR, AS HEREINAFTER PROVIDED. SUCH NOTICE SHALL:

(A) BE PUT IN WRITING.

(B) INCLUDE A STATEMENT OF THE REASONS WHY IT IS BEING

ISSUED.

- (C) STATE A REASONABLE TIME FOR THE PERFORMANCE OF ANY ACT IT REQUIRES.**
- (D) SERVED UPON THE OWNER OR HIS/HER AGENT OR THE BE OCCUPANT OR THE OPERATOR, AS THE CASE MAY REQUIRE, PROVIDED THAT SUCH NOTICE SHALL BE DEEMED TO BE PROPERLY SERVED UPON SUCH OWNER OR AGENT OR UPON SUCH OCCUPANT OR OPERATOR IF A COPY THEREOF IS SENT BY CERTIFIED MAIL TO HIS/HER LAST KNOWN ADDRESS OR IF A COPY IS POSTED IN A CONSPICUOUS PLACE IN OR ABOUT THE RENTAL UNIT AFFECTED BY THE NOTICE OR IF HE/SHE SERVED WITH SUCH NOTICE BY ANY OTHER METHOD AUTHORIZED OR REQUIRED UNDER THE LAWS OF THIS STATE.**
- (E) CONTAIN THE FOLLOWING ITEMS:**
 - (1) AN OUTLINE OF REMEDIAL ACTION TO BE TAKEN TO EFFECT COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND WITH RULES AND REGULATIONS ADOPTED PURSUANT THERETO.**
 - (2) THE REQUIREMENT THAT THE VIOLATION MUST BE FULLY CORRECTED WITHIN 30 DAYS FROM THE DATE OF THE NOTICE AND THAT, IN THE EVENT**

THAT HE/SHE FAILS TO DO SO WITHIN THE THIRTY-DAY PERIOD, A CITATION SHALL BE DELIVERED TO HIM/HER IN ACCORDANCE WITH THE PROVISIONS OF § C8-3 OF THE CITY CHARTER AND ARTICLE 23A, § 3(B)(2), OF THE ANNOTATED CODE OF MARYLAND ADVISING HIM/HER OF THE IMPOSITION OF A NONCOMPLIANCE CHARGE AS SET FORTH IN CHAPTER 110, FEES AND PENALTIES, PAYABLE TO THE CITY. IN THE EVENT THAT HE/SHE ELECTS NOT TO STAND TRIAL FOR THE VIOLATION AND THE VIOLATION IS NOT FULLY CORRECTED WITHIN THE FOLLOWING THIRTY-DAY PERIOD, A SECOND CITATION SHALL BE DELIVERED TO HIM/HER WITH THE IMPOSITION OF AN ADDITIONAL NONCOMPLIANCE CHARGE AS SET FORTH IN CHAPTER 110, FEES AND PENALTIES. FOR EACH SUCCESSIVE THIRTY-DAY PERIOD IN WHICH HE/SHE ELECTS NOT TO STAND TRIAL FOR THE VIOLATION AND THE VIOLATION IS NOT FULLY CORRECTED, AN ADDITIONAL CITATION SHALL BE DELIVERED TO HIM/HER ADVISING HIM/HER OF THE IMPOSITION OF AN ADDITIONAL NONCOMPLIANCE CHARGE AS SET

FORTH IN CHAPTER 110, FEES AND PENALTIES.

2. THE PUBLIC SERVICES DEPARTMENT IS AUTHORIZED TO SEEK INJUNCTIVE RELIEF WHEN THE SITUATION SO WARRANTS.

B. ANY PERSON AFFECTED BY ANY NOTICE OR ORDER WHICH HAS BEEN ISSUED IN CONNECTION WITH THE ENFORCEMENT OF ANY PROVISION OF THIS ARTICLE MAY REQUEST AND SHALL BE GRANTED A HEARING ON THE MATTER BY THE BOARD, PROVIDED THAT SUCH PERSON SHALL, WITHIN 10 DAYS AFTER SERVICE OF A NOTICE OR ORDER, FILE IN THE OFFICE OF THE PUBLIC SERVICES DIRECTOR A SIGNED, WRITTEN NOTICE OF APPEAL, REQUESTING A HEARING AND SETTING FORTH A BRIEF STATEMENT OF THE REASONS THEREFOR. UPON RECEIPT OF SUCH NOTICE OF APPEAL, THE PUBLIC SERVICES DIRECTOR SHALL FORTHWITH NOTIFY THE BOARD, AND THE BOARD SHALL SET A TIME AND PLACE FOR SUCH HEARING AND SHALL GIVE THE PERSON APPEALING AND THE PUBLIC SERVICES DIRECTOR NOTICE THEREOF. THE BOARD SHALL DETERMINE SUCH APPEALS AS PROMPTLY AS PRACTICABLE.

C. AFTER SUCH HEARING, THE BOARD MAY AFFIRM, AMEND, MODIFY OR WITHDRAW THE NOTICE OR ORDER APPEALED FROM. THE DECISION OF THE BOARD SHALL CONSTITUTE AN ORDER, AND ANY PERSON WHO SHALL FAIL, REFUSE OR NEGLECT TO COMPLY WITH ANY SUCH ORDER SHALL BE GUILTY OF VIOLATING THE PROVISIONS OF THIS ARTICLE.

D. THE DECISION OF THE BOARD SHALL IN ALL CASES BE FINAL,

EXCEPT THAT ANY PARTY DIRECTLY AGGRIEVED BY A DECISION OF THE BOARD MAY, PROVIDED THAT HE/SHE DOES SO WITHIN 30 DAYS AFTER THE RENDERING OF SUCH DECISION, APPEAL TO A COURT OF RECORD OF COMPETENT JURISDICITON FOR A FURTHER REVIEW, AND THE FINDINGS OF FACT OF SUCH BOARD SHALL BE CONCLUSIVE AND SUCH REVIEW SHALL BE LIMITED SOLELY TO ERRORS OF LAW AND QUESTIONS OF CONSTITUTIONALITY. THE DECISION OF THE BOARD IN ANY CASE ON APPEAL SHALL BE STAYED PENDING A DECISION OF THE COURT.

§ 127-9. HARDSHIP EXEMPTION.

A. THE BOARD MAY GRANT TEMPORARY EXEMPTION FROM THE PROVISIONS OF THIS CHAPTER TO AN OWNER OF NOT MORE THAN ONE SINGLE FAMILY DWELLING UNITS, IF IT DETERMINES THAT SAID OWNER WOULD OTHERWISE EXPERIENCE EXTREME FINANCIAL HARDSHIP BECAUSE OF MORTGAGE OR FINANCIAL OBLIGATIONS RELATED TO/THE PROPERTY INCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT.

B. A TEMPORARY EXEMPTION UNDER THIS SECTION MAY BE GRANTED FOR A PERIOD NOT TO EXCEED TWO YEARS, RENEWABLE UPON PETITION.

C. THE BOARD SHALL INFORM ALL AFFECTED TENANTS OF A LANDLORD'S PETITION FOR EXEMPTION UNDER THIS SECTION. UPON REQUEST OF ONE OR MORE AFFECTED TENANT, THE BOARD OR ITS

DESIGNEE SHALL HOLD AN ADMINISTRATIVE HEARING TO DETERMINE THE FACTS OF THE PETITION.

§ 127-10. PARTIAL INVALIDITY.

IF ANY PROVISION OF THIS CHAPTER OR APPLICATION THEREOF IS HELD TO BE INVALID, THIS INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS CHAPTER WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISIONS OR APPLICATIONS, AND TO THIS END THE PROVISIONS AND APPLICATIONS OF THIS CHAPTER ARE SEVERABLE.

§ 127-11. NONWAIVERABILITY.

ANY PROVISION IN A RENTAL AGREEMENT WHICH WAIVES OR MODIFIES ANY PROVISION OF THIS CHAPTER IS CONTRARY TO PUBLIC POLICY AND VOID.

§ 127-12. JUDICIAL REVIEW.

A LANDLORD OR TENANT AGGRIEVED BY ANY ACTION OR DECISION OF THE BOARD MAY, WITHIN 30 DAYS OF THE BOARD'S DECISION SEEK JUDICIAL REVIEW IN A COURT OF APPROPRIATE JURISDICTION. APPEAL OF ANY DECISION OF THE BOARD SHALL BE MADE IN ACCORDANCE WITH THE MARYLAND RULES.

§ 127-13. EXPIRATION DATE.

THIS ORDINANCE SHALL EXPIRE AND SHALL BE NULL AND VOID AFTER THE FIRST DAY OF SEPTEMBER, 2009. THIS PROVISION, COMMONLY REFERRED TO AS A “SUNSET PROVISION,” IS INCLUDED IN THIS ORDINANCE, THE EFFECTIVENESS OF AND THE NECESSITY FOR THIS CHAPTER WILL BE REVIEWED BY THE MAYOR AND CITY COUNCIL WITHIN A REASONABLE TIME AFTER ITS ADOPTION.

Section 3. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED, by the Mayor and Council of the City of College Park, Maryland that Chapter 110 “Fees and Penalties” be, and is hereby, enacted to read as follows:

§ 110-1. Fees and interests.

The following enumerations are the current fees, rates, charges and interests applicable in the City of College Park:

Chapter/Section	Description	Fee/Interest
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CH. 127, RENT STABILIZATION

§ 127-5.	REGISTRATION FEE	<u>\$30.00</u>
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§ 127-8.	FEE FOR PETITIONS FOR INDIVIDUAL ADJUSTMENTS OF RENT CEILINGS	<u>\$30.00</u>
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FEE FOR APPEAL OF BOARD DECISION TO THE MAYOR AND CITY COUNCIL	<u>\$30.00</u>
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§ 110-2. Penalties.

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

Chapter/Section	Violation	Penalty
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CH. 127, RENT STABILIZATION

§ 127-4.	CHARGING RENT IN EXCESS OF MAXIMUM RENTS ALLOWED	<u>\$100.00</u>
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§ 127-5.	FAILURE TO REGISTER RENTAL UNITS SUBJECT TO CHAPTER 127	<u>\$100.00</u>
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Section 4. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED

by the Mayor and Council of the City of College Park that, upon formal introduction of this

proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for _____ P.M. on the _____ day of _____, 2005, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on _____, 2005 provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

INTRODUCED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2005.

ADOPTED by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the _____ day of _____ 2005.

EFFECTIVE the _____ day of _____, 2005.

ATTEST:

**THE CITY OF COLLEGE PARK,
MARYLAND**

By: _____
Caroline Lightfoot, City Clerk

By: _____
Stephen A. Brayman, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

Robert H. Levan, City Attorney